

Citing MPEP §806.04 and MPEP §808.01, the Office has characterized the inventions of Groups I-III as unrelated. Applicants disagree. According to MPEP 808.01, if inventions are held unrelated, it must be shown that they are not disclosed as capable of use together. The office asserts that the “polynucleotide of group I can be used as a hybridization probe to detect the presence of SEQ ID NO: 1 in a sample.” Applicants note that the Office has merely stated a conclusion, and has not provided reasons and/or examples to support its conclusion. The Office alleges that “the protein of group II can be used to generate antibodies to the protein and can be generated by other means than through the use of the polynucleotide”. However, the Applicants note that the proteins of Group II are encoded by the polynucleotide with SEQ ID NO: 1 of Group I, and should not be separated. Finally, the Office asserts that “the transgenic fish of group III can be used for *in vivo* physiological studies”. Applicants note that there is nothing in the record to support the assertion made by the Office and has merely stated this conclusion. Further, the Office has not provided any reasons and/or examples to support this conclusion. Accordingly, the Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement, and it should be withdrawn.

Further, the Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

Moreover, MPEP §803 states as follows:

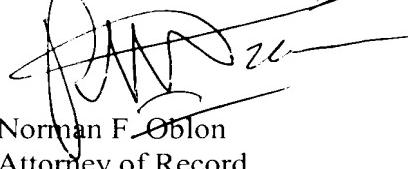
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions. Applicants submit that a search of all claims would not constitute a serious burden on the Office.

Therefore, the Applicants submit that a search of all claims would not constitute a serious burden on the Office.

Finally, Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Rohitha M. Jayasuriya  
Registration No. 50,385



**22850**

(703) 413-3000  
Fax #: (703)413-2220  
NFO/RMJ

I:\atty\Rmj\2002-10\210217US-RR.wpd